Remarks

The Examiner argues that the independent claims of the application are anticipated by US 6,404,873, Beyda. Critical to the Examiner's argument is the interpretation of the passage from col 5, lines 3-26 describing the operation of the data mixer 34.

In this passage, the mixer is described as being configured to mix voice data from the main conference and a sub-conference at different sound levels to enable a user to primarily listen to a sub-conference but to track the main conference. Thus a sub-conference participant can respond if, for example, a speaker in the main conference addresses them.

Similarly, the mixer is described as mixing whiteboard data from the main conference with whiteboard data from the sub-conference and setting these off from one another by using different colors.

There is no specific mention of how video data from the main conference is mixed with video from the sub-conference.

The first point to note is that, Beyda only discloses configuring the mixer to use the same media in the sub-conference as in the main conference.

Thus, Beyda discloses that if the main conference uses video, the sub-conference uses video; if the main conference uses audio, the sub-conference uses audio; and if the main conference uses a whiteboard, the sub-conference will use a whiteboard.

Beyda does not envisage that a user might wish to select specific media to be used in a sub-conference from the media types available independently of those being used in the main conference, see Figures 5c and 5d.

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For example, according to the invention as claimed, a user can decide to have a whiteboard only sub-conference. Users participating in this sub-conference can share such data with one another, but need only listen and/or view the main conference.

This approach is less confusing for users who simply wish to share notes "off-line" and do not want to talk across a main conference or determine whether speech from another user is from the main conference or their sub-conference. Such confusion can arise when participants of the sub-conference swap back into the main conference when addressed and make a contribution even though they are still participating in a sub-conference, and this may be distracting for other members of the sub-conference.

Alternatively, according to the invention as claimed, a user can decide to have an audio only sub-conference where they keep an eye on whiteboard data from the main conference to determine if they need to rejoin the main conference. Again, this enables a user to monitor a main conference but without the necessity of trying to determine whether communication on a given media is from the main or their sub-conference.

Nonetheless, because of the flexibility provided by the invention as claimed, users who are more comfortable with following main and sub-conference communication on more than one medium are free to configure a sub-conference with more than one media type, unlike in Beyda. This means that according to the present invention, different participants in a sub-conference can in fact employ different media for participating in the sub-conference. Thus, a participant in a sub-conference originally organised as voice/data might choose to only view whiteboard data from the sub-conference and concentrate on the main conference through other media.
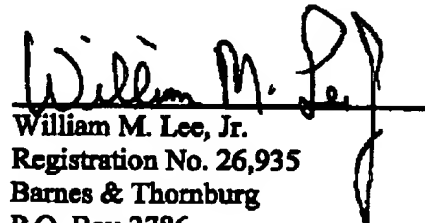
The configuration of the media to be used in a sub-conference by a user as claimed in the present claims is not contemplated by Beyda. As such the applicant submits that the Examiner's assessment of this aspect of Beyda in particular is incorrect and that at least in this respect the independent claims of the present case are new and non-obvious vis-à-vis Beyda.

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To make the point even more clear, each of the independent claims has been amended to add the concluding clause above. That, it is submitted, avoids Beyda completely.

Further and favorable reconsideration by the Examiner is urged.

May 17, 2004   Respectfully submitted,

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